

HOUSE No. 2435

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the voluntary disavowal of eligibility to purchase a firearm.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/10/2021</i>

HOUSE No. 2435

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2435) of Marjorie C. Decker that the commissioner of Criminal Justice Services be authorized to establish a list of persons who disavow eligibility to purchase firearms. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2048 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the voluntary disavowal of eligibility to purchase a firearm.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 167A of chapter 6 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following subsection:-

3 (j) The commissioner, in consultation with the executive office of public safety, the
4 attorney general and the colonel of the state police, shall establish a list of persons who disavow
5 eligibility to purchase a firearm, rifle, shotgun or machine gun, hereinafter referred to as a
6 firearm. A person may request such person’s name to be placed on the list of disavowal of
7 eligibility by filing a form with the commissioner acknowledging the person has a psychiatric
8 disability and is a danger to themselves and by agreeing that the person shall not purchase a
9 firearm.

10 The department shall develop a standard form, accessible on the department’s webpage,
11 providing for a voluntary disavowal of eligibility to purchase a firearm. The department may
12 revoke, limit, condition, suspend or fine any licensee, as provided for in section 122 of chapter
13 140, eligibility to sell, rent or lease firearms, if the licensee sells a firearm to any person on such
14 list or provides unauthorized access to any name on such list. The list shall be shared with a
15 licensee by the department.

16 The department shall distribute the form to acute-care hospitals and satellite emergency
17 facilities as defined in section 237 of chapter 111.

18 The department shall adopt regulations for the maintenance and distribution of the list of
19 persons who disavow eligibility. The list shall not be a public record and shall not be open to
20 public inspection.

21 SECTION 2. Chapter 111 of the General Laws, as appearing in the 2018 Official Edition,
22 is hereby amended by adding the following section:-

23 Section 237. A person voluntarily presenting in an acute-care hospital or a satellite
24 emergency facility who is reasonably believed by the treating clinician to be suffering from a
25 diagnosis of depression, using standardized definition of such diagnosis as set forth in the
26 Diagnostic and Statistical Manual of Mental Disorders as published by the American Psychiatric
27 Association, shall be presented with the form provided for in section 167A of chapter 6. For the
28 purposes of this section the term “acute-care hospital”, means any hospital licensed under section
29 51 that contains a majority of medical-surgical, pediatric, obstetric, and maternity beds, as
30 defined by the department and the teaching hospital of the University of Massachusetts Medical
31 School and the term “satellite emergency facility”, means a health care facility that operates on a

32 7-day per week, 24-hour per day basis that is located off the premises of a hospital, but is listed
33 on the license of a hospital, and is authorized to accept patients transported to the facility by
34 ambulance.

35 SECTION 3. Subsection (b) of section 36C of Chapter 123 of the General Laws, as
36 appearing in the 2018 Official Edition, is hereby amended by adding, after the final sentence, the
37 following sentence:-

38 In addition to the relief provided for in this subsection, the court may grant relief, upon
39 petition, that the person's name be removed from the list of persons who disavow eligibility to
40 purchase a firearm provided in section 167A of chapter 6.

41 SECTION 4. Clause (ix) of subsection (d) of section 131 of chapter 140 of the General
42 Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 258,
43 the word "or".

44 SECTION 5. Clause (x) of subsection (d) of section 131 of chapter 140 of the General
45 Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 260,
46 "." and inserting in place thereof the following:- ;or.

47 SECTION 6. Subsection (d) of section 131 of chapter 140 of the General Laws, as
48 appearing in the 2018 Official Edition, is hereby amended after clause (x) by adding the
49 following clause:-

50 (y) a person who has voluntarily disavowed eligibility to purchase a firearm as listed on
51 the list kept by the department of criminal justice information service pursuant to section 167A
52 of chapter 6.

53 SECTION 7. Notwithstanding any general or special law to the contrary, any suicide
54 hotline maintained or operated by any entity funded in whole or part by the commonwealth shall
55 refer callers to the form provided for in section 1 of this act.